

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**DAVID INVICTUS WHEELER**

**PLAINTIFF**

**v.**

**No. 2:12CV128-M-V**

**DOTTIE COLLINS, ET AL.**

**DEFENDANTS**

**ORDER ADOPTING  
REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated September 19, 2012, was on that date duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated September 19, 2012, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the instant case is **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted.

3. That, in the alternative, the case is **DISMISSED** under FED. R. CIV. P. 41(b) for failure to follow an order of the court.

4. That this case is **CLOSED**.

THIS, the 8<sup>th</sup> day of November, 2012.

/s/ MICHAEL P. MILLS  
**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF MISSISSIPPI**